

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

XOUCHI JONATHAN THAO,)
Special Administrator for)
The Estate of KONGCHI)
JUSTIN THAO,)
)
Plaintiff,)
) No. CIV-19-1175-JD
-vs-)
)
)
GRADY COUNTY CRIMINAL)
JUSTICE AUTHORITY, et al.,)
)
Defendants.)



DEPOSITION OF JIMMY DUNCAN
TAKEN ON BEHALF OF THE PLAINTIFF
IN CHICKASHA, OKLAHOMA
ON JANUARY 27, 2023

REPORTED BY: KATE SCIPIONE, CSR, RPR

Jimmy Duncan

January 27, 2023

Page 29

1 Q. Fighting?

2 A. Fighting.

3 Q. I'm sorry.

4 A. Fighting.

5 Q. Yeah, okay.

6 A. To separate them from fighting, being
7 destructive, I mean, and just to put them by
8 themselves so they can't hurt anybody else.

9 Q. Did you ever put anyone in Cells 126 or 127
10 because they were experiencing a mental health
11 episode of some type?

12 A. I can't answer that because -- because I'm
13 not a medical staff to see if that's why they're
14 acting out, if they're -- if it's mental or not. A
15 mental reason or not.

16 Q. So have you had training on how to identify
17 mental health episodes?

18 A. I've had training on what to look for, for
19 mental health.

20 Q. What are the things you look for, for mental
21 health issues?

22 A. A change of appetite, change of behavior,
23 self appearance changes, just attitude changes.

24 Q. Has your training indicated that prisoners
25 might say things that would be indicative of mental

1 health issues?

2 A. Yes.

3 Q. What type of things does your training
4 indicate a mental health issue of a prisoner?

5 A. If they -- if they tell us. If they just
6 come out and tell us that they're having problems.

7 Q. Anything else besides what they might tell
8 you? Well, let me -- let me -- let me withdraw that.

9 When you say tell -- "tell us," if somebody
10 says, "I'm feeling so anxious right now I don't think
11 I can breathe," that -- would that be an example of
12 something where they tell you and there's an
13 indication of a mental health issue?

14 A. Yes.

15 Q. Does your -- did you receive any training on
16 things that some -- somebody might say that you could
17 determine there's an issue here? If somebody said,
18 for example, "I'm -- I'm the Queen of England," or
19 "I'm President Abraham Lincoln," are those the types
20 of things that would indicate there might be a mental
21 health issue?

22 MR. MOON: Object to the form.

23 A. Yes.

24 Q. (By Mr. Katon) And are Cells 126 and 127
25 ever used, to your knowledge, for housing inmates who

Jimmy Duncan

January 27, 2023

Page 34

1 report"? Do you call them a "use-of-force report"?

2 A. Just "incident report."

3 Q. And if there was not a weapon involved, but
4 you had to use physical force of some type like
5 striking an inmate or bringing an inmate to the
6 ground, would that also require an incident report?

7 MR. MOON: Form.

8 A. Yes.

9 Q. (By Mr. Katon) And if an inmate were to say
10 that he was going to kill himself, would your
11 training require you to take any steps?

12 MR. MOON: Form.

13 A. Yes.

14 Q. (By Mr. Katon) What steps would you be
15 required to take?

16 A. We would bring him straight to medical for
17 medical to make -- to speak with him and make a
18 determination from there.

19 Q. Has that ever happened in your experience?

20 A. Yes.

21 Q. How many times?

22 A. I -- I couldn't tell you. I -- multiple
23 times.

24 Q. More than five?

25 A. Yes.

Jimmy Duncan

January 27, 2023

Page 44

1 health issues?

2 MR. MOON: Form.

3 A. I -- I can't remember because it's been a
4 while since we had that training. Or I had that
5 training.

6 Q. (By Mr. Katon) What's your best estimate of
7 when you had that training?

8 A. I -- I couldn't even -- I couldn't even
9 guess. My best estimate, within the last ten years.

10 Q. You can't be any more precise than that?

11 A. I -- I cannot.

12 Q. So it could have been within the last year?

13 A. Oh, I can tell you it hasn't been in the
14 last year. Okay. It's been longer than -- it's been
15 longer than the last four or five years.

16 Q. Thank you.

17 A. Sorry.

18 Q. And were you ever tested on your knowledge
19 of how to deal with mental health issues of inmates
20 at the jail?

21 A. No.

22 Q. And you mentioned that one training of signs
23 of what to look for. Do you recall other trainings
24 in addition to that on the subject of mental health
25 issues of inmates?